

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 25623 of 2007(A)

OS.436/2002 OF PRL.SUB COURT,THRISSUR.

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PETITIONER:

**PAUL LAZAR, AGED 55, S/O LAZAR,
ATTOKARAN HOUSE, PUTHURKARA DESOM,
AYYANTHOLE VILLAGE, THRISSUR TALUK.**

BY ADV. SRI.G.SREEKUMAR (CHELUR).

RESPONDENT:

**SEKHARAN, S/O KARAPPAN,
KANOMKOTTA HOUSE, PUTHURKAR DESOM,
AYYANTHOLE VILLAGE, THRISSUR TALUK.**

**BY ADV. SRI.P.SANTHOSH PODUVAL,
ADV. SMT.R.RAJITHA.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17/10/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.25623/2007-A:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PLAINT IN O.S. NO. 436/2002 ON THE FILE OF THE SUB COURT, THRISSUR DTD. 29/05/2002.

EXT.P.2: COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANT IN EXT.P.1. SUIT DTD. 16/07/2007.

EXT.P.3: COPY OF THE APPLICATION I.A. NO. 4305/2007 IN EXT.P.1. SUIT FILED BY THE PETITIONER DTD 27/07/2007, WITH THE WITNESS LIST AND THE DOCUMENT LIST.

EXT.P.4: COPY OF THE OBJECTIONS SUBMITTED BY THE RESPONDENT HEREIN TO EXT.P.3. DTD 28/07/2007.

EXT.P.5: COPY OF THE KURI AGREEMENT DTD. 31/05/1999.

EXT.P.6: COPY OF THE WRITTEN DOWN COPY OF THE ORDER PASSED IN EXT.P.3. APPLICATION DTD. 18/08/2007, SUB COURT, THRISSUR.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

M.N.KRISHNAN, J

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W.P.(C) No.25623 OF 2007

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Dated this the 17th day of October 2007

JUDGMENT

This writ petition is filed against the order of the I Addl.Sub Court, Thrissur in I.A.No.4305 of 2007 in O.S.No.436/2002. Here, the prayer is to permit the plaintiff to adduce additional evidence by examining the witness and also for accepting the document. The court below found that in spite of opportunities and the mandate under the Code of Civil Procedure, the plaintiff did not produce the document or give witness list and therefore rejected the prayer. The person to be examined is the wife of the plaintiff and she is also one of the parties to the document which is attempted to be exhibited by the plaintiff. I feel evidence shall not be shut out so as to make a ground for appeal and therefore it is desirable that though belated to allow the plaintiff to examine his wife and also produce the document which he wants to rely on. It is made clear that defendant is at liberty to cross examine the witnesses and also to challenge the relevancy and correctness of the document, if they want to do so. If the defendant wants to recall and

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-:2:-

examine PW1, that also may be permitted.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-